

DATE: February 25, 2003

FILE REF: NR 135/NMAC

TO: Nonmetallic Mining Advisory Committee

FROM: Phil Fauble & Tom Portle

SUBJECT: **DRAFT** Minutes of February 19, 2003 Nonmetallic Mining Advisory Committee Meeting

Following is my report on the main points from the meeting of the NR 135 Nonmetallic Mining Advisory Committee ["NMAC"], held on February 19, 2003 from 10-4 at the Wisconsin Highway Patrol District One Headquarters Building in DeForest, WI.

NMAC members present: Bruce Brown, Jim Burgener, Sue Courter (afternoon), Mike Erickson, Marty Lehman, Jennifer Sunstrom (morning) & Gary Werner

Sitting in for NMAC member: Jim Schmitt (substituting for Ron Garrison), Clint Weninger (substituting for Ed Reesman)

NMAC members not present: Ron Garrison & Ed Reesman

WDNR Staff Present: Dan Graff, Phil Fauble, Dave Misterek, Larry Lynch (afternoon) and Tom Portle

Others Present: Larry Burcalow & Paul Burcalow, Yahara Materials; Marty Cieslik, Foth & Van Dyke; Mike Dernousek, B.R. Amon & Sons Inc.; Scott Klonke, East Central WI Regional Planning Commission; Elaine Kraut, Genesee Aggregate Corp.; Pat Osborne, Aggregate Producers of Wisconsin; Jen Schuetz, Kramer Co.; Pat Steven, Wisconsin Transportation Builders Association; Bibb Edwards, Rock County; Ron Urmanski, Melvin Companies

Main points of discussion and any decisions or necessary "follow-up activities" follow:
(Agenda items in ► **bold**)

► **"Around-the-table"** - Overall, members felt the program was working well; still some lack of consistency in implementation and in code interpretation issues.

Marty - positive feedback from operators and others regarding guidance documents

Mike - Concerns about double charging of fees

Gary Werner -

Jim Burgener .

Bruce Brown - Land Conservationists, especially in Western part of the state are confused with regard to highwalls, stability and groundwater issues.

Jim Schmitt - It is working well in counties with zoning departments but in those without managed by land and water conservation staff there are different views and some problems

► Mike Blaska of the Office of Land Information Services provided a presentation on **Comprehensive Growth with special emphasis on planning** elements and potential connection to NR 135 registration provisions

► **Further discussion** was held on: 1) the possible relationship between NR 135 registration, land use planning and comprehensive growth elements from the Land Information Office (OLIS) "Smart Growth" and 2) the potential role of the NMAC in facilitating communication on this matter - could registration, Smart Growth, computer data bases be tied together? How can existing or forthcoming tools be used to facilitate planning for future resource needs. Implicit in this discussion to some is the potential use of such tools to aid in planning to adequately protect of natural resources and to minimize land use conflicts

► **Motions Approved:**

A motion was passed (6 to 1) that expressed the recommendation of NMAC *that the DNR form a workgroup to look for opportunities to create stronger links between all the parties, programs and existing data bases that deal with the location of deposits, land use planning and Comprehensive Growth.*

This work group ("Registration workgroup") will be comprised of Bruce Brown of the WGNH; Jim Schmitt of Mathy Construction; Jim Burgener (phone meetings only), Marathon County; Mike Blaska, Office of Land Information Services (OLIS); and Tom Portle, DNR

The product/outcome of this workgroup ought to be supplemental guidance available through the OLIS as well as any other product that may provide useful and practical information to those engaged in planning and especially to feed into land resource element of Comprehensive Planning.

► **Lunch** - 1215 - 1:00

► **Input from partners and public**

APW Report - Pat Osborn (25 minutes)

Elaine Kraut - land use and complexity in reclamation plans

Larry B. - WisDOT noncompliance
Bibb Edwards -
Pam Andros - public hearings
Pat Stevens - public hearings
Scott Klonke -

► **DNR Update & Responses to NMAC Motions etc.**

- Registration Form & **Dan**'s Presentation to the Registrar of Deeds on March 11, 2003
 - status of registration form and I & E materials (especially aimed at landowners who wish to register)
 - Outreach: Newsletter and Videoconference **Tom**
 - Operators and all March 5 & 11
 - meetings with WALCE, WCCA
 - update on DNR RA Audit

3:15 ► Unfinished Business/Possible Issues/Concerns **Tom**

- Upcoming Business: report to NRB
- The magnitude of the topsoil scrape issue

- Feedback of this meeting
 - scheduling of next meeting

- Adjourn at about 4:00

► **Registration of Land Containing Nonmetallic Mineral Deposits** **Dan**

► **Feedback** of this meeting - NMAC members provided positive feedback. Among the comments: "good meeting" ... "good to hear from the RAs and the operators" ... "productive" ... "get a facilitator"

► **Next Meeting** - The NMAC decided to meet again in August, 2003, the timing of this is to coincide with the need to approve a DNR report to the Natural Resources Board due prior to December, 2003. All agreed that the next meeting should again be held in DeForest, WI.

Agenda Items for future meeting:

- Review and concur with the draft DNR report on the sufficiency, adequacy, and appropriateness of fees to be presented to the Natural Resource Board in fall of 2003.
- Report from "Registration workgroup"

ATTACHMENT 1

FEEDBACK FROM OPERATORS

- Lack of consistency
- Some arbitrary calls, some calls that are not supported by statute or rules

FEEDBACK FROM RA's

- One acre exemption & life of mine; concern that a string of near one acre sites (with immediate reclamation) would tax RAs because it takes time to inspect these and there is no

FEEDBACK FROM CONSULTANTS